

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN  
GREEN BAY DIVISION

---

RONALD SMITH,

Plaintiff,

vs.

Case No. 20-cv-34

RED ROCK PRODUCTIONS, LLC,  
COBBLESTONE PRODUCTIONS, LLC,  
and SEAN MCKINNEY,

Defendants.

---

**DECLARATION OF SEAN MCKINNEY IN SUPPORT OF  
DEFENDANTS' MOTION TO SET ASIDE DEFAULT JUDGMENT**

---

I, Sean McKinney, certify under penalty of perjury that the following is true and correct to the best of my knowledge and recollection:

1. I am an adult resident of the State of Wisconsin.
2. I am the managing member of Defendants, Red Rock Productions, LLC, Cobblestone Productions, LLC (hereinafter "Defendant Companies").
3. In or around October 2019, I engaged Plaintiff, Ronald Smith, to perform services for the Defendant Companies as an independent contractor. The services included serving as a stage manager and head rigger for a five (5) stop concert tour starting in Casper, Wyoming on November 6, 2019 and ending in Park City, Kansas on November 11, 2019.

4. On November 10, 2019, Ronald Smith's role as an independent contractor was terminated. He did not perform all services agreed upon for all stops of the tour.
5. I first became aware of the above-captioned matter when I was served with the Summons and Complaint.
6. On March 5, 2020, I filed an Answer and Counterclaim using a form I obtained via the United States Courts website, [www.uscourts.gov](http://www.uscourts.gov).
7. At the time I filed the Answer and Counterclaim, I believed I was responding on behalf of myself and the Defendant Companies.
8. I did not realize my Answer and Counterclaim had deficiencies in regards to listing all the named Defendants until March 24, 2020, when I received notice of Plaintiff's request for entry of default.
9. In March 2020, I contacted the Law Firm of Conway, Olejniczak & Jerry, S.C. to represent myself and the Defendant Companies. On March 26, 2020, I received a letter informing me that said firm would not represent me. A true and correct copy of the March 26, 2020 letter is attached hereto as Exhibit A.
10. On March 30, 2020, I filed two additional answers on behalf of each of the Defendant Companies; at the time I filed the answers, I was not aware that I could not represent the Defendant Companies *pro se*.
11. On April 6, 2020, I was informed by Judge William Griesbach during a status conference that I would not be able to represent the entities and was given

thirty (30) days to retain counsel and file an answer or other responsive pleading.

12. On or about April 6, 2020, I contacted the law firm of Gill & Gill, S.C. located at 501 S. Nicolet Road, Appleton, WI 54914 in regards to representing me and the Defendant Companies. A receptionist took down my information and informed me that an attorney would be contacting me shortly.
13. Approximately one week later, I again contacted the law firm of Gill & Gill, S.C. to follow up on my request for the firm to represent me and the entities. I was again informed that an attorney would be contacting me shortly.
14. Approximately two weeks after the April 6, 2020 status conference, I again contacted the law firm of Gill & Gill, S.C. to follow up on my request for the firm to represent me and the Defendant Companies. During this call, the receptionist gave me a name of the specific attorney she believed would provide representation and informed me that he would be calling me soon.
15. During the last week of April, I again contacted the law firm of Gill & Gill, S.C. to follow up on my request for the firm to represent me and the Defendant Companies. During this call, the receptionist informed me that the attorneys were having an office meeting and that I was on their agenda. The receptionist again informed me that an attorney would be contacting me soon.
16. On May 5, 2020, I received my first call from an attorney at Gill & Gill S.C. During the call I was informed that the law firm was not accepting new clients due to the COVID-19 pandemic.

17. On May 6, 2020, I contacted the clerk of courts for the Eastern District of Wisconsin in regards to my inability to retain counsel for the Defendant Companies. I was told someone from the clerk of courts office would call me back that day. I never received a phone call.
18. During the months of January through July 2020, I had continuing correspondence with Plaintiff's counsel to try and resolve the case.
19. On July 22, 2020, I retained the law firm of Gimbel, Reilly, Guerin & Brown LLP to represent me and the Defendant Companies.

Pursuant to 28 U.S.C. Sec. 1746 I certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on the 24<sup>th</sup> day of July, 2020.

s/Sean McKinney\_\_\_\_\_  
Sean McKinney